

2023 Regular Session

HOUSE BILL NO. 251

BY REPRESENTATIVES BOYD, GREEN, AND LAFLEUR

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

ABORTION: Provides for exceptions to the abortion laws of this state relative to rape and incest

1 AN ACT

2 To enact R.S. 14:87.1(1)(b)(vii), relative to rape and incest exceptions to existing abortion
3 laws; to expand the definition of abortion; to provide for the removal of an unborn
4 child whose pregnancy is initiated by an act of rape, a crime against nature, or a
5 crime against the child; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:87.1(1)(b)(vii) is hereby enacted to read as follows:

8 §87.1. Definitions

9 Wherever used in this Subpart, unless a different meaning clearly appears in
10 the context, the following terms, whether used in the singular or plural, shall have
11 the following meanings:

12 (1)

13 * * *

14 (b) Abortion shall not mean any one or more of the following acts, if
15 performed by a physician:

16 * * *

17 (vii) The removal of an unborn child whose pregnancy is initiated by an act
18 of rape, a crime against nature, or a crime against the child if the crime is reported
19 in accordance with one of the following requirements and the gestational age of the
20 unborn child is fifteen weeks or less:

1 (aa) In a case of pregnancy caused by an act of rape, prior to the performance
2 of the pregnancy termination, the victim personally reported the act of rape together
3 with the identity of the offender, if known, to a law enforcement agency with
4 appropriate jurisdiction.

5 (bb) In a case of pregnancy caused by a crime against nature, prior to the
6 performance of the pregnancy termination, the victim personally reported the crime
7 together with the identity of the offender, if known, to a law enforcement agency
8 with appropriate jurisdiction.

9 (cc) In a case of pregnancy caused by a crime against the child, prior to the
10 performance of the pregnancy termination, the crime was reported to a law
11 enforcement agency with appropriate jurisdiction or was reported in accordance with
12 the provisions of Children's Code Article 610.

13 (dd) For purposes of this Item, the term "crime against nature" shall have the
14 meaning provided in R.S. 14:89, and the term "crime against the child" shall have
15 the meaning provided in Children's Code Article 603.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 251 Original

2023 Regular Session

Boyd

Abstract: Adds rape and incest to the list of acts performed by a physician that shall not be considered an abortion.

Present law defines "abortion" and provides a list of acts performed by a physician that shall not, by definition, be considered acts of abortion.

Proposed law extends present law by providing that the removal of an unborn child conceived by an act of rape, a crime against nature, or a crime against the child shall not be considered an abortion if the crime is reported in accordance with one of the requirements provided in proposed law and the gestational age of the unborn child is 15 weeks or less.

Proposed law further provides that one of the following requirements shall be met in addition to the gestational age requirements:

- (1) If the unborn child was conceived by an act of rape that preceded the performance of the pregnancy termination, the victim personally reported the rape and the identity of the offender, if known, to an appropriate law enforcement agency.

- (2) If the unborn child's conception resulted from a crime against nature that preceded the performance of the pregnancy termination, the victim personally reported the crime and the identity of the offender, if known, to an appropriate law enforcement agency.
- (3) If the unborn child's conception resulted from a crime against the child that preceded the performance of the pregnancy termination, the crime was reported to an appropriate law enforcement agency in accordance with present law.

Proposed law defines "crime against nature" and "crime against the child".

(Adds R.S. 14:87.1(1)(b)(vii))